

REMARKS

A. Response to Rejections under 35 U.S.C. §112

The Examiner makes a request for further information regarding activities discussed in applicant's Disclosure Document number 529415. In response, the applicant provides the attached Declaration of Dr. Thomas Oaks (the "Declaration"), which provides detailed information as to the events and activities of November 2002.

As described in more detail below, with reference to the Declaration, the activities described in the Disclosure Document did not allow the invention to be publically shown, to be publically used, and the invention was shown and worked upon by only by people having a duty of confidentiality to Dr. Oaks. Further, construction, assembly, testing, and storage were done at locations having an expectation of privacy, and done in a manner so that anyone nearby would not have see the activities.

The prototype of the hydrogen generating system had been completed by November 15, 2002, and Mr. Paul Aston, who was under a duty of confidentiality, assisted in the construction of the prototype from November 10-14, 2002 (*Declaration, Par. 6*). Mr. Paul Aston completed component parts at his enclosed and private workshop area (1950 John towers Ave., El Cajon, CA), which was not publically accessible, and was subject to an expectation of privacy. *Id.* Since the area is enclosed and private, no one nearby could have witnessed the construction activities. *Id.* The component parts were transported to Dr. Oakes home workshop in an enclosed truck bed. *Id.* Final assembly of the prototype was performed in an enclosed and private workshop area at Dr. Oakes home (10303 Centinella Drive, La Mesa, California), and the prototype was completed on November 15, 2002. *Id.* Dr. Oakes' workshop is not publically accessible, and is subject to an expectation of privacy. *Id.* Since the area is enclosed and private, no one nearby could have witnessed the construction

activities. *Id.* The completed model was securely and privately stored in Dr. Oakes' workshop. *Id.*

Construction of the prototype was observed by Kenton Oakes on November 10, 2002. (*Declaration, Par. 7*). Mr. Kenton Oakes observed the construction at Mr. Aston's private workshop area (1950 John towers Ave., El Cajon, CA), which is not publically accessible, and is subject to an expectation of privacy. *Id.* Since the area is enclosed and private, no one nearby could have witnessed the construction activities. *Id.* Mr. Kenton Oakes observed the work under a duty of confidentiality. *Id.*

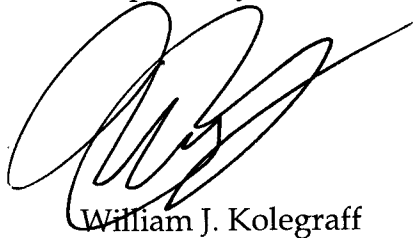
Construction of the prototype was also observed by Robert Oakes on November 10, 2002. (*Declaration, Par. 8*). Mr. Robert Oakes observed the construction at Mr. Aston's private workshop area (1950 John towers Ave., El Cajon, CA), which is not publically accessible, and is subject to an expectation of privacy. *Id.* Since the area is enclosed and private, no one nearby could have witnessed the construction activities. *Id.* Mr. Robert Oakes observed the work under a duty of confidentiality. *Id.*

The model was tested for a few consecutive days at Dr. Oakes' home workshop, starting on November 15, 2002. (*Declaration, Par. 9*.) The model was placed in a private just his home at 10303 Centinella Drive, La Mesa, California, where it was exposed to the sun. *Id.* The area where the model was placed was private and not viewable by anyone nearby. *Id.* The area was Dr. Oakes' private property, and subject to an expectation of privacy. *Id.* In the evening, the prototype was securely and privately stored in his private workshop. *Id.* Mr. Robert Oakes observed the operating model on November 16, 2002 at Dr. Oakes' home (10303 Centinella Drive, La Mesa, California). *Id.* Mr. Robert Oakes observed the working model under a duty of confidentiality. *Id.*

B. Conclusion

The applicant respectfully submits that the pending claims are in a condition for allowance. If the Examiner would find it useful, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'WJ Kolegraff', written over the printed name.

William J. Kolegraff
Reg. No. 41,125
15050 Avenue of Science
San Diego, CA 91928
Phone: 619-401-8008
Fax: 619-401-0808

DECLARATION OF DR. THOMAS OAKES

1. My name is Dr. Thomas W. Oakes. I reside at 10303 Centinella Drive, La Mesa, California, 91941.
2. I am the inventor of the "System and Method for Generating Hydrogen Gas Using Renewable Energy", for which U.S. Patent Application number 10/785,234 was filed on February 24, 2004. This U.S. Patent application was preceded by a formal Disclosure application # 1529415 to the U.S. Patent & Trademark Office, dated April 8, 2003.
3. I received my doctorate degree from The University of Utah in the field of Medical Sociology. I have a masters degree from Brigham Young University in the field of Personnel and Guidance. I also have a bachelors of science degree from Brigham Young University in the field of Psychology.
4. I was an Assistant Professor of Sociology at Northern Arizona University from 1974 to 1978.
5. I filed Disclosure Document 529415 with the US Patent and Trademark Office for my hydrogen generation system.
6. In the Disclosure Document, I state that the prototype had been completed by November 15, 2002, and that Mr. Paul Aston had assisted in the construction of the prototype from November 10-14, 2002. Mr. Paul Aston completed component parts at his enclosed and private workshop area (1950 John towers Ave., El Cajon, CA). Mr. Aston's workshop is not publically accessible, and is subject to an expectation of privacy. Since the area is enclosed and private, no one nearby could have witnessed the construction activities. The component parts were transported to my home workshop in an enclosed truck bed. Mr. Paul Aston performed his work under a written duty of confidentiality. Final assembly was performed in an enclosed and private workshop area at my home (10303 Centinella Drive, La Mesa, California), and the prototype was completed on November 15, 2002. My workshop is not publically accessible, and is subject to an expectation of privacy. Since the area is enclosed and private, no one nearby could have witnessed the construction activities. The completed model was securely and privately stored in my workshop.
7. In the Disclosure Document, I state that construction of the prototype was observed by Kenton Oakes on November 10, 2002. Mr. Kenton Oakes observed the construction at Mr. Aston's private workshop area (1950 John towers Ave., El Cajon, CA). Mr. Aston's workshop is not publically accessible, and is subject to an expectation of privacy. Since the area is enclosed and private, no one nearby could have witnessed the construction activities. Mr. Kenton Oakes observed the work under a duty of confidentiality.

8. In the Disclosure Document, I state that construction of the prototype was observed by Robert Oakes on November 10, 2002. Mr. Robert Oakes observed the construction at Mr. Aston's private workshop area (1950 John towers Ave., El Cajon, CA). Mr. Aston's workshop is not publically accessible, and is subject to an expectation of privacy. Since the area is enclosed and private, no one nearby could have witnessed the construction activities. Mr. Robert Oakes observed the work under a duty of confidentiality.
9. The model was tested for a few consecutive days at my home workshop, starting on November 15, 2002. The model was placed in a private just outside my home at 10303 Centinella Drive, La Mesa, California, where it was exposed to the sun. The area were the model was placed was private and not viewable by anyone nearby. The area was on my private property, and subject to an expectation of privacy. In the evening, the prototype was securely and privately stored in my workshop. Mr. Robert Oakes observed the operating model on November 16, 2002 at my home (10303 Centinella Drive, La Mesa, California). Mr. Robert Oakes observed the working model under a duty of confidentiality.
10. All statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. I understand and acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon.



Dr. Thomas W. Oakes

July 13, 2008